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POLITICAL AFFAIR
DIVISION
20 JUN 1996
N.I.O. BELFAST

FROM: D J R HILL
POLITICAL DEVELOPMENT TEAM
20 JUNE 1996

cc PS/Michael Ancram(L+B) -B
PS/PUS(L+B) -B
PS/Sir David Fell -B
Mr Thomas -B
Mr Leach -B
Mr Bell -B
Mr Watkins -B
Mr Stephens -B
Mr Maccabe -B
Mr Lavery -B
Mr Campbell-Bannerman -B
Mr Lamont, RID -B
HMA Dublin -B
Ms Collins, Cab Off (via IPL)-B

Mr H. Kelly

Dr Smyth O/R.

2116

PS/Secretary of State(L+B) -B

TALKS: RULES OF PROCEDURE

Having nudged the Irish, the UUP and the SDLP into the zone of convergence we cleared the attached text with Irish officials (very much ad referendum to their Ministers) and Michael Ancram intends to show it to Ken Maginnis/Reg Empey tonight, to illustrate how the concept we discussed with them earlier today might work. General de Chastelain is fully briefed and supportive. Michael Ancram and Sean O hUiginn have agreed with him that the text might "emerge" on Monday as a "Chairman's" proposal in the light of reports on the round of bilaterals.

(Signed)

D J R HILL
POLITICAL DEVELOPMENT TEAM
EXT CB 22317

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(20 June) (20.05)

DRAFT RULES OF PROCEDURE

1. These rules of procedure are adopted for the substantive all-party negotiations and can only be amended by agreement, in accordance with the decision-making process outlined in paragraphs 23 through 28.(17)

Structure of Negotiations

2. Negotiations will be organised so that issues are discussed in the following formats:

- Plenary
- Strand One
- Strand Two
- Strand Three; and
- a Business Committee

Strand One will cover relationships within Northern Ireland, including the relationship between any new institutions there and the Westminster Parliament; Strand Two will cover relationships within the island of Ireland; and Strand Three will cover relationships between the British and Irish Governments. Negotiations on Strand One issues will involve the British Government and the political parties. Negotiations on Strand Three issues will be between the two Governments. Negotiations in all other formats will involve the British and Irish Governments and the political parties.

3. The British Government will chair Strand One of the negotiations and the British and Irish Governments will jointly chair Strand Three. Senator George Mitchell, General John de Chastelain and Prime Minister Harri Holkeri will chair the various aspects of the negotiations which require independent chairmanship, as follows:

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- Senator Mitchell (Plenary);
 - General de Chastelain (Strand Two and the Business Committee); and
 - Prime Minister Holkeri (Alternative Chairman for the Plenary, Strand Two and the Business Committee.(3)
4. Where appropriate, other committees and sub-committees of the negotiations may be established among the participants in the format to which the sub-group relates. Committees and sub-committees shall be chaired by the relevant Chairman or, by agreement among the participants in that format, by a person nominated by the Chairman.(6)

Role and Responsibility of Chairmen

5. The designated Chairmen shall preside over all the business of the negotiations and will exercise their functions impartially at all times.(9)
6. The Chairmen will moderate in all meetings to allow an opportunity for full discussion of issues on the agenda, guided by the aim of securing agreement of as broad a spectrum of participation as is possible, and doing so as expeditiously and efficiently as possible.(9)
7. All Chairmen will operate within these rules of procedure, and have due regard to the views of the Business Committee on the arrangement of business and the exercise of their functions.(9)
8. The Chairmen will be bound by the same requirement for confidentiality as participants.(9)
9. The Chairmen may bring forward specific suggestions, but only after consultation with the relevant delegations to establish that it would be regarded as helpful.(9)

Sequence of the Negotiations

10. Following the conclusion of the Opening Plenary, the appropriate Chairmen will convene meetings of the negotiations within the three strands and any sub-committees, subject to co-ordination with the Business Committee.(7, 15) Negotiations in each strand will open on the same day and proceed in parallel.
11. The Independent Chairman of the Plenary may convene further meetings of the Plenary if he considers such meetings to be necessary in the light of developments across the negotiations as a whole. He shall, in addition, convene further plenary meetings at the request of the Business Committee.(16)

Business Committee

12. The Business Committee shall comprise up to two representatives of each participating delegation.(19)
13. The Business Committee shall establish and maintain an indicative calendar for the negotiations as a whole and within the various formats. The timing and duration of meetings in the various formats shall be determined by the relevant Chairman, having due regard to the views of the participants, in accordance with this calendar. However, unless otherwise agreed by the Business Committee, negotiating sessions in different strands, or within strands, will not be held simultaneously, to allow participants, if they so wish, the option of fielding the same negotiating team throughout the negotiations.(19)
14. The Business Committee will be available to advise the Chairmen on the day-to-day exercise of their responsibilities and to facilitate communication between participating delegations and the Chairmen.(19)

Conduct of the Proceedings

15. Participants will negotiate in the various formats, committees and sub-committees, on the basis of a comprehensive agenda for the negotiations as a whole, adopted in the Opening Plenary, as it relates to their area of competence. That agenda will include all the significant items which the individual participants consider relevant and which will, therefore, have to be addressed in the search for agreement. Participants may, by agreement, develop or refine it.
- 15A. All participants in the negotiations will take part in good faith, seriously address all aspects of the agreed agenda, and make every effort to reach agreement. They will maintain confidentiality on all aspects of the negotiations except where they may from time to time agree to publicity.
- 15B. Strand One negotiations will take place in Castle Buildings, Belfast. Strand Two negotiations will take place in Belfast, Dublin and London, at times agreed by the Business Committee. The two Governments will determine where Strand Three meetings will take place. The Business Committee shall determine the venue of its meetings.
16. The relevant Chairman will have responsibility for convening, re-scheduling and adjourning meetings having due regard to the views of the Business Committee or, as appropriate, of the relevant participants. It is understood, however, that any delegation may request an adjournment of up to 20 minutes at a time and the Chairman shall refuse such requests only if they are made with unreasonable frequency.(7)
17. The agenda for each meeting of the negotiations shall be settled by the participants on the basis of proposals put forward by the Chairman in accordance with the overall agenda

- 20A. in the relevant format, and taking into account the indicative calendar and the advice of the Business Committee.(20) Strand Three issues, by elected delegates. Such delegates may be supported in meetings by researchers or
- 17A. Any participant in the format in question will be free to raise any aspect of the three relationships, including constitutional issues and any other matter which it considers relevant. While no outcome is either pre-determined or excluded in advance, and while participation in negotiations is without prejudice to any participant's commitment to the achievement by exclusively peaceful democratic means of its own preferred options, it is common ground that any agreement, if it is to command widespread support, will need to give adequate expression to the totality of all three relationships.

- Decision-Making
18. Where any negotiating team does not attend at a previously agreed time and fails to provide notice of their inability to attend, the Chairman of that meeting and the remaining participants may proceed to conduct the meeting in the absence of that team or teams. If a delegation should withdraw temporarily or permanently from any aspect of the negotiations, the Chairman and the remaining participants will be free to proceed with business with the remaining participants, notwithstanding such withdrawal.(8)
- a) Invite the participants to set up a broadly representative
19. All remarks shall be addressed through the Chairman, who may time limit interventions at his discretion.(10) and One issues); and/or
20. The Chairman's ruling on individual procedural matters shall be binding. In arriving at such rulings, the Chairman may apply the rules for determining sufficient consensus as set out in paragraphs 26 and 27.(11)
- c)

- 20A. Participating political parties may only be represented at formal meetings of the plenary, or to discuss Strand One, Strand Two or Strand Three issues, by elected delegates. Such delegates may be supported in meetings by researchers or others who are not elected. The numbers of delegates and supporters participating in any one meeting shall be agreed by the Business Committee.
21. The Chairman may at any time seek a meeting or accede to a request for a meeting with any participating delegation or group of delegations.(12)
22. Any written submissions which may be received from other groups or individuals will have no status.(12)

Decision-Making

23. The negotiations will operate on the basis of consensus. If it appears to the Chairman, after a reasonable period of discussion, that there is no unanimity, he may follow one or more of the courses of action set out below:
- a) consult with the participants, with a view to putting forward a solution that he believes will secure agreement; and/or
 - b) invite the participants to set up a broadly representative working group, including nominees of both Governments (or of the British Government alone in the case of Strand One issues); and/or
 - c) seek the agreement of the participants to refer the matter to a group of experts for advice, requesting a report within an agreed specified period.(21)

24. It will also be open to the participants, acting solely by agreement and only at their instigation, and subject to the provisions set out in paragraph 29 below, to refer the matter to the forum for consideration, requesting a report.(22)
25. If, after the participants have considered any further proposals arising from one or more of the courses of action set out above, there is no unanimity on a particular proposition, the Chairman may propose that negotiations proceed on the basis that the proposition has been approved by sufficient consensus, as defined in paragraph 27.(23)
26. Sufficient consensus may apply to all decisions taken in Plenary, Strand One, Strand Two and the Business Committee, and in any committee or sub-committee of the aforementioned.(25)
27. A proposition would be deemed to have sufficient consensus when supported by participating political parties which, taken together, shall have obtained a majority of the valid votes cast in the elections held on 30 May 1996 and which between them represent a majority of both the unionist and nationalist communities in Northern Ireland respectively [and which also constitute a majority of the participating political parties]. With the exception of Strand One, both Governments must endorse the particular proposition for it to be deemed to have sufficient consensus.
28. Where it does not prove possible to achieve either unanimity or sufficient consensus, the Chairman will work, in consultation with the participants, to remove obstacles to the reaching of agreement, or, with the agreement of the participants, may decide to move on to the next item on the agenda.(24)

- 28A. The negotiations will proceed on the principle that nothing will be finally agreed in any format until everything is agreed in the negotiations as a whole. Subject to this principle, it would nevertheless be possible, solely on the basis of consensus among the participants, to proceed on the assumption of contingent agreement on any individual aspect of the negotiations.

Referral to the Forum

29. The negotiating teams in any format of the negotiations, by agreement and on the formal proposal of the participants in that format, may direct the relevant Chairman of the format in question to request the members of the forum, through the Secretary of State, to consider, investigate or discuss a specified subject and to submit a report on that subject to the negotiating teams within a specified period. Any such report from the forum may only be formally taken under notice by the negotiating teams if it has consensus support in the forum according to the forum's rules of procedure.(28)

Liaison Arrangements with the Irish Government in Relation to Strand One

30. The British Government, as Chairman of Strand One, will keep the Irish Government informed of the progress achieved in Strand One, through liaison arrangements agreed between the two Governments following consultation with the participating political parties.(28)

Meetings Between the Governments and the Political Parties in Relation to Strand Three

31. Negotiations on Strand Three issues will be between the two Governments. However, with a view to providing a meaningful role for the political parties, the two Governments will, during the course of their negotiations:

[UUP: With a view to providing a meaningful role for the political parties in negotiations on Strand Three issues purely between the two Governments, they will, during the course of the negotiations:]

ensure regular meetings at which the political parties will be briefed and, as appropriate, consulted on progress in the negotiations, and at which they would be able to put forward their views on Strand Three issues under discussion; and

36. The B meet the political parties at their request for further discussion of Strand Three issues.(29)

32. To this end, the two Governments will convene regular meetings involving up to three members of the negotiating team of each political party. Such meetings will be co-chaired by the two Governments.(34)

[UUP: Other Strand Three issues relating to relationships between the peoples of these island shall be considered in the same way as Strand Two issues.]

33. In addition, in relation to Strand Three issues, each party, acting independently or in conjunction with others, may, on its initiative or otherwise, confer with either or both Governments in order to consult on issues under discussion and advance its own views, orally or in writing. In response, each Government will explain its own views and take full account of those put to it by the parties.

34. The outcome of the Strand Three issues will be considered by all the participants alongside the outcome of the other elements of the negotiations as a whole.(32)

Record of Meetings

35. Records of formal meetings will be prepared by note-takers under the general direction of the Chairman of the format within which the meeting takes place. A draft record of each formal meeting will be circulated as soon as possible to the negotiating team of each Government and political party participating in the meeting and will be subject to their approval at the next meeting of that format, or earlier if appropriate.(33)
36. The British Government will provide a team of civil servants responsible for taking the record of formal Strand One meetings. The two Governments will provide a pool of civil servants responsible to taking the record of formal meetings in other formats. The Chairman of the format in question shall appoint note-takers for each meeting from among the officials nominated by the two Governments.(34)
37. Note taking arrangements for meetings falling outside the above shall be at the discretion of the relevant Chairman.(34)

2. As we agreed, we need to be ready to start all four or more formats in parallel as early even as the week beginning 1 July, although a week or two later is perhaps more realistic.

3. We agreed in outline the sort of papers we needed to have prepared for the early stages of each of the formats, together with who would do the drafting.

4. Strand One:

(1) An Opening Statement, covering Items 1 & 2 on our draft agenda (Requirements, Principles and Criteria). This might draw heavily on principles agreed in 1993 and also those set out in Part 1 of 'Frameworks';